

House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

CHAPTER 147

HOUSE BILL 2541

AN ACT

AMENDING TITLE 20, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 14;
RELATING TO ENFORCEMENT OF CERTAIN INSURANCE POLICIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 2, Arizona Revised Statutes, is amended
3 by adding article 14, to read:

4 ARTICLE 14. ENFORCEMENT OF INSURANCE POLICIES AFFECTING
5 CERTAIN HOLOCAUST VICTIMS

6 20-490. Definitions

7 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

8 1. "HOLOCAUST VICTIM" MEANS A PERSON WHO WAS KILLED OR INJURED OR WHO
9 LOST REAL OR PERSONAL PROPERTY OR FINANCIAL ASSETS AS THE RESULT OF
10 DISCRIMINATORY LAWS, POLICIES OR ACTIONS DIRECTED AGAINST A DISCRETE GROUP
11 OF WHICH THE PERSON WAS A MEMBER, DURING THE PERIOD BEGINNING IN 1920 THROUGH
12 1945, IN GERMANY, AREAS OCCUPIED BY GERMANY OR COUNTRIES ALLIED WITH GERMANY.

13 2. "INSURANCE POLICY" INCLUDES A LIFE INSURANCE POLICY, AN ANNUITY,
14 A PROPERTY INSURANCE POLICY, A CASUALTY INSURANCE POLICY, A LIABILITY
15 INSURANCE POLICY AND REINSURANCE ON A RISK COVERED UNDER SUCH A POLICY.

16 3. "INSURER":

17 (a) MEANS AN INSURANCE COMPANY OR OTHER ENTITY ENGAGED IN THE BUSINESS
18 OF INSURANCE OR REINSURANCE IN THIS STATE.

19 (b) INCLUDES A CAPITAL STOCK COMPANY, A MUTUAL COMPANY OR A LLOYD'S
20 ASSOCIATION AND ANY PARENT, SUBSIDIARY OR AFFILIATED COMPANY IN WHICH AT
21 LEAST FIFTY PER CENT OF THE STOCK IS IN COMMON OWNERSHIP WITH AN INSURER
22 ENGAGED IN THE BUSINESS OF INSURANCE IN THIS STATE.

23 20-490.01. Suspension of limitations period

24 A. NOTWITHSTANDING ANY OTHER LAW, A HOLOCAUST VICTIM OR THE HEIR,
25 ASSIGNEE, BENEFICIARY OR SUCCESSOR OF A HOLOCAUST VICTIM WHO RESIDES IN THIS
26 STATE AND WHO HAS A CLAIM ARISING OUT OF AN INSURANCE POLICY THAT WAS
27 PURCHASED OR IN EFFECT IN EUROPE BEFORE 1946 AND THAT WAS DELIVERED, ISSUED
28 FOR DELIVERY OR RENEWED BY AN INSURER MAY BRING AN ACTION AGAINST AN INSURER
29 TO RECOVER ON THAT CLAIM IN A COURT OF COMPETENT JURISDICTION IN THIS STATE.

30 B. A COURT SHALL NOT DISMISS AN ACTION BROUGHT UNDER SUBSECTION A FOR
31 FAILURE TO COMPLY WITH ANY APPLICABLE LIMITATIONS PERIOD IF THE ACTION IS
32 BROUGHT ON OR BEFORE DECEMBER 31, 2012.

33 20-490.02. Enforcement by director

34 A. AN INSURER THAT FAILS TO COMPLY WITH A CLAIM BROUGHT PURSUANT TO
35 THIS ARTICLE BY DENYING THE CLAIM ON THE GROUNDS THAT THE CLAIM IS NOT TIMELY
36 OR BY ASSERTING A STATUTE OF LIMITATIONS DEFENSE VIOLATES THIS ARTICLE.

37 B. IF THE DIRECTOR CONSIDERS IT NECESSARY, THE DIRECTOR MAY INITIATE
38 AN EXAMINATION UNDER SECTION 20-156.

39 C. IF THE DIRECTOR BELIEVES THAT AN INSURER HAS VIOLATED OR IS
40 VIOLATING THIS ARTICLE THE DIRECTOR MAY:

41 1. ISSUE A CEASE AND DESIST ORDER.

42 2. ASSESS A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS FOR
43 EACH ACT OR VIOLATION BUT NOT TO EXCEED AN AGGREGATE CIVIL PENALTY OF TEN
44 THOUSAND DOLLARS.

1 3. REFER THE MATTER TO THE ATTORNEY GENERAL FOR APPROPRIATE
2 ENFORCEMENT.

3 Sec. 2. Legislative findings

4 The legislature finds the following:

5 1. During World War II untold millions of lives and property were
6 destroyed.

7 2. In addition to the many atrocities that befell the victims of the
8 Nazi regime, insurance claims that rightfully should have been paid out to
9 the victims and their families, in many cases, were not.

10 3. In many instances insurance company records are the only proof of
11 insurance policies held. In some cases, recollection of those policies' very
12 existence may have perished along with the Holocaust victims.

13 4. There are many documented Holocaust survivors living in this state
14 today. Many of these survivors and their descendants have been fighting for
15 over fifty years to persuade insurance companies to settle unpaid or
16 wrongfully paid claims.

APPROVED BY THE GOVERNOR MAY 6, 2002.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 7, 2002.

Passed the House April 10, 2002,

by the following vote: 41 Ayes,

13 Nays, 6 Not Voting

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate April 30, 2002,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

30 day of April, 2002

at 2:30 o'clock P M.

[Signature]
Secretary to the Governor

Approved this 6 day of

May, 2002,

at 11:05 o'clock A M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of May, 2002,

at 3:13 o'clock P M.

[Signature]
Secretary of State

H.B. 2541